

III. REMARKS

In the Final Office Action, claims 1-3, and 7-22 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela (US 2001/0031633) in view of Karves (US 7085257), and claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Karves and Silverman (US 6,035,031), and claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela for reasons set forth in the Office Action.

A response to the Final Office Action of April 13, 2009 has been filed. Thereafter, an Advisory Action was issued, the Advisory Action stating that the proposed response (argument without further amendment) would be entered, but that the argument did not overcome the rejections because of the examiner's comment. The comment makes reference to Tuomela (US 20010031633) paragraphs [10, 16, 19, 23] and leads the examiner to conclude that the shared server provides for an embodiment of the Tuomela system in which receiving party is not performing the automatic operation because the context information is stored in the shared server.

A further response (argument without amendment) was filed, followed by an interview and a subsequent Advisory Action.

This paper is submitted to carry forth suggestions of the examiner at the interview, for amending the claims, thereby to clarify the claim language so that the claims are clearly distinguishable from the teachings of the primary reference, Tuomela.

Claim 1 is amended in the second paragraph following the preamble, as follows:

a calling party, which is a member of said group of parties, selecting a receiving party, which is also a member of said group of parties, for establishment of a communications connection between said calling party and said receiving party by communication with said activity status server and said activity logs;

In this amendment of claim 1, the two inserts in the following passage, "a calling party, which is a member of said group of parties, selecting a receiving party, which is also a member of said group of parties", specifically state that each of the calling party and the receiving party is a member of the group. The foregoing paragraph of the claim also refers to a communication between each of the calling and the receiving parties by said server. This shows that both of the calling and the receiving party are communicating by the same server in contradistinction to an embodiment of the Tuomela apparatus that employs another server separate from that of the calling party. Thus, the claim clearly distinguishes over Tuomela, and overcomes any ambiguity in the claim language, which might enable the examiner to interpret Tuomela as reading on the claimed subject matter.

Corresponding amendments are made in independent claims 4, 9, 14, and 16. For example, in amended claims 9 and 14, there is an amended passage with states that the activity logs and said server are in communication with the phones of respective ones of the calling parties and the receiving party. This clearly shows a usage of a common server by both a calling party and a receiving party. Thus, all of the independent claims, and their respective dependent claims are believed to be clearly distinguishable over Tuomela considered alone and in combination with the teachings of the other references Karves and Silverman, so as to overcome the foregoing rejections and to provide allowable subject matter in the claims.

REPORT ON SUBSTANCE OF INTERVIEW

An interview was conducted by telephone on August 18, 2009 between Examiner Desir and the Applicant's representative, David Warren. At the interview, it was noted that the main reference, Tuomela, presented an embodiment of telephone equipment in which an answering machine could be used in conjunction with a server, which server stored context information about a receiving party who employs the answering machine. By way of example, the calling party may be in America, and the receiving party may be in Europe.

The Applicant argued, with respect to the subject matter of claim 1, that the calling party employed a local server that stored context information about a group of parties that may contact each other by telephone, and wherein the receiving party also stored his context information on the same server. This enabled the telephone system to intercept a caller's communication to alert the caller about the situation of the receiving party without requiring the communication to travel all the way to the receiving party. With reference to the foregoing example, the caller would be spared a transatlantic call at a time when the receiving party was unavailable.

The Applicant argued further that Tuomela disclosed a server for use with his answering equipment, the server storing context information which would allow the answering equipment to make a decision as to whether the receiving party might be interrupted (as when attending a meeting) to receive a phone call. Tuomela did not provide any indication that the server would also be used for the calling party. Thus the applicant distinguished the Tuomela server as being a distant server, with respect to the calling party, while the claimed subject matter employed a local server for both the calling and the receiving parties.

The examiner pointed out that the claim language did not enable one to distinguish a local server from a distant server, in the following sense. The term "local" could refer to the geographical location of a server such that the server is part of a network while a "distant" server would be external to the network. Or alternatively, a "local" server could be shared by all parties including both a calling party and a receiving party, while a "distant" server might not be shared by the calling party, but would serve the receiving party.

The examiner indicated that if the claim language could be revised to distinguish among servers, such that the claimed subject matter covers the situation in which the calling party and the receiving party employ the same server for storage of their context information, while excluding the situation in which the parties employ different servers,

this would facilitate allowance of the claims. No specific language was presented at the interview, and no agreement was reached as to what language would secure allowance.

END OF REPORT ON INTERVIEW

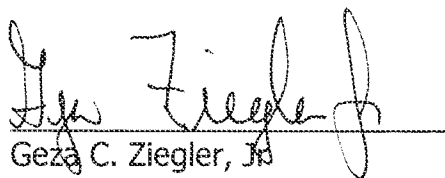
The foregoing amendment is believed to be in accordance with the matters discussed at the interview, and to implement the suggestions of the examiner so as to secure allowable claims.

As noted in the previous response, it is believed that, in the operation of the Tuomela system, the receiving party's equipment simply consults the shared server, to obtain information, in the process of taking any one of various possible actions for responding to the calling party. This is understood from the passages [10, 16, 19, 23] cited by the examiner. Consequently, all of the decision-making process, in response to the incoming call from the calling party, is performed by the receiving party's equipment contrary to the claimed subject matter in which the action is taken at the calling party. The examiner is invited to reconsider the argument provided in the prior response in view of the present amendment.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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